REMARKS

Claims 1-24 and 26 are pending in this application. By this Amendment, claims 1, 5-8, 10, 11, 16, 19, 22 and 23 are amended and claim 25 is canceled. Support for the amendments can be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance are respectfully requested.

I. Rejection Under 35 U.S.C. §112

The Office Action rejects claims 1-26 under 35 U.S.C. §112, second paragraph, as being indefinite. By this Amendment, claim 25 is canceled, rendering its rejection moot, and claim 11 is amended to obviate the rejection. Thus, Applicants respectfully submit that claims 1-24 and 26 meet the requirements of 35 U.S.C §112, second paragraph. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under 35 U.S.C. §101

The Office Action rejects claim 25 under 35 U.S.C. §101 as being an improper process claim. By this Amendment, claim 25 is canceled, rendering the rejection moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-5, 9, 11, 12, 15, 16, 19 and 23-26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,853,454 to Merger et al. ("Merger"). By this Amendment, claim 25 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites a two-component polyurethane composition comprising a first component having "at least one polyurethane prepolymer" and a second component having "water as well as at least one polyaldimine." Thus, the second component comprises water

and an aldimine. The first component, which is separate from the second component, comprises a polyurethane prepolymer. Merger fails to disclose such features.

Instead, Merger discloses a single-component polyurethane system comprising a polyaldimine, and molded articles which are prepared "by mixing the single-component polyurethane system with water and then placing the mixture into a mold." See Merger at column 4, lines 40-45. Thus, Merger discloses a single-component system comprising a polyurethane prepolymer having a polyaldimine, where water may be added to prepare a molded article, and does not disclose a second component comprising water and a polyaldimine. Thus, Merger fails to disclose each and every element of claim 1.

Thus, claim 1 is not anticipated by Merger. Claims 2-5, 9, 11, 12, 15, 16, 19, 23, 24 and 26 variously depend from claim 1 and, thus, also are not anticipated by Merger. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. §103

A. Claims 6-8 and 10

The Office Action rejects claims 6-8 and 10 under 35 U.S.C. §103(a) as having been obvious over Merger in view of U.S. Patent No. 3,935,274 to Jacobsen et al. ("Jacobsen"). Applicants respectfully traverse the rejection.

Claims 6-8 and 10 variously depend from claim 1 and, thus, contain all of the features of claim 1. The deficiencies of Merger with respect to claim 1 are discussed above. Jacobsen, which is applied by the Office Action for the additional features recited in claims 6-8 and 10, does not cure the deficiencies of Merger with respect to claim 1.

Thus, the combination of Merger and Jacobsen would not have rendered obvious claims 6-8 and 10.

Furthermore, there is no reason or rationale for one of ordinary skill in the art to combine Merger and Jacobsen to achieve the claimed composition because neither Merger

nor Jacobsen contemplate resolving the unpleasant odor problem. The Office Action at page 5 acknowledges that Merger fails to disclose the claimed aldehyde of claims 6-8. The Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time of invention to make the claimed aldehydes because the means for adding the carboxylate to hydroxy functional aldehydes, as taught by Jacobsen, is well known in the art. Applicants respectfully disagree.

By using the various claimed aldehydes, the problem of unpleasant odor generation during the curing process is resolved. See specification at paragraph [0017]. However, neither Merger nor Jacobsen contemplate resolving the problem of unpleasant odors generated during the curing process. Thus, one of ordinary skill in the art, presented with the odor problem, would have had no reason or rationale to combine the polyurethane prepolymer of Merger with the aldehydes of Jacobsen to achieve the claimed polyurethane composition.

Thus, claims 6-8 and 10 would not have been rendered obvious by Merger and Jacobsen. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Claims 17 and 18

The Office Action rejects claims 17 and 18 under 35 U.S.C. §103(a) as having been obvious over Merger in view of U.S. Patent No. 5,116,931 to Reisch et al. ("Reisch"). Applicants respectfully traverse the rejection.

Claims 17 and 18 variously depend from claim 1 and, thus, contain all of the features of claim 1. The deficiencies of Merger with respect to claim 1 are discussed above. Reisch, which is applied by the Office Action for the additional features cited in claims 17 and 18, does not cure the deficiencies of Merger with respect to claim 1.

Thus, the combination of Merger and Reisch would not have rendered obvious claims 17 and 18. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Claims 20-22

The Office Action rejects claims 20-22 under 35 U.S.C. §103(a) as having been obvious over Merger in view of U.S. Patent No. 5,194,488 to Piestert et al. ("Piestert"). Applicants respectfully traverse the rejection.

Claims 20-22 variously depend from claim 1 and, thus, contain all of the features of claim 1. The deficiencies of Merger with respect to claim 1 are discussed above. Piestert, which is applied by the Office Action for the additional features cited in claims 20-22, does not cure the deficiencies of Merger with respect to claim 1.

Thus, the combination of Merger and Piestert would not have rendered obvious claims 20-22. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Obvious-type Double Patenting Rejection

The Office Action provisionally rejects claims 1-26 under the judicially created doctrine of obvious-type double patenting as being unpatentable over:

(1) Claims 1-28 of co-pending U.S. Patent Application No. 11/822,111, Merger and Reisch;

(2) Claims 1-30 of co-pending U.S. Patent Application No. 12/000,763, in view of Merger;

(3) Claims 1-25 of co-pending U.S. Patent Application No. 10/501,074, in view of Merger;

(4) Claims 1-21 of co-pending U.S. Patent Application No. 10/501,078, in view of Merger and Reisch;

(5) Claims 1-31 of co-pending U.S. Patent Application No. 10/522,412, in view of Merger;

(6) Claims 1-25 of co-pending U.S. Patent Application No. 11/470,588, in view of Merger; and

(7) Claims 1-25 of co-pending U.S. Patent Application No. 12/056,043, in view of Merger.

Because the cited co-pending applications have not issued, filing Terminal Disclaimers to obviate the provisional double-patenting rejections is premature. Applicants respectfully request that the double-patenting rejections be held in abeyance.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-24 and 26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Date: September 24, 2009

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